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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,571	02/11/2002	Bart Dahneke	971-150	5124

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EXAMINER

CHEN, ALAN S

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/073,571	Applicant(s) DAHNEKE ET AL.	
	Examiner Alan S Chen	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the word “persistence” is misspelled in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show, in Fig. 4, the elements as described in the specification due to lack of clarity, poor image quality and incomplete references.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2182

4. Claim 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer data signal does not fall under one of the four statutory categories.

5. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-9 and 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 6,714,992 to Kanojia et al. (hereafter Kanojia).

8. As per claims 1, 17, 18, 20 and 21 Kanojia discloses a method (Fig. 7 and 8), a computer readable medium (Fig. 2A, element 220), a computing device (Fig. 2A, element 220), a system (Fig. 2A), and a computer data signal (Fig. 2A, element 220, digital signal is inherently what is transmitted and received by element 220), respectively, comprising: a memory (per claim 17, Fig. 2A, element 220 has register(s) that stores a message to transmit to system manager, as shown in Fig. 3, element 1); a peripheral device (Fig. 8, element 1016); receiving an indicator of an end of persistence for a peripheral device (the indicator is the driver that is stored and installed on database, Fig. 2A, element 130 and Column 2, lines 50-67; the presence of the driver indicates the existence of the peripheral and the possibility that the peripheral will be

Art Unit: 2182

disconnected); monitoring for an event related to the end of persistence (Fig. 2A, element 220 receives is notified of a disconnection of a device, Fig. 8; column 17, lines 28-45); and removing support information associated with the peripheral device based on detection of the event related to the end of persistence (Fig. 8, element 1022, driver uninstalled).

9. As per claim 2, Kanojia discloses claim 1, further comprising the act of storing an indicator of the end of persistence (device id and driver information is stored in system agent, Fig. 7, element 1002 and Fig. 1, element 220; part of the indicator is also device presence/status, Fig. 7, element 1014).

10. As per claims 3, 4 and 19, Kanojia discloses claims 1 and 18, wherein the act of monitoring for an event comprises storing the indicator in a database of configuration settings associated with the computing device (when the peripheral device is plugged in, the system agent searches for device driver in a database, Fig. 7, element 1006 and Column 2, lines 48-53; if the driver is not already present, the driver is downloaded and stored, Fig. 7, element 1010). The driver is uninstalled from the database when the disconnection event occurs, in Fig. 8, element 1022.

11. As per claims 5-7, Kanojia discloses claims 1, wherein it is inherent that the event monitor is based off a thread since threads are the fundamental work unit of an operating system and the operating system is a requirement for computer systems to work/boot. Furthermore, the driver is installed prior to the monitoring of the disconnect event (the steps in Fig. 8 only happen if the driver is installed).

12. As per claim 8, Kanojia discloses claim 1, further disclosing associating a type and address associated with the physical location of the peripheral device (the globally unique

Art Unit: 2182

identifier disclosed in Fig. 2C, elements 1012 and 1014 and Fig. 3; Column 10, lines 50-67); and subsequently messages related to using this peripheral device identification, e.g., install driver, status of peripheral etc, can then be communicated.

13. As per claim 9, Kanojia discloses claim 8, further comprising the act of providing a representation comprises the acts of accessing the representation via a browser application on the computing device (Fig. 2A, element 110 being interfaced by web page).

14. As per claims 12,13 and 16, Kanojia adiscloses claim 8, wherein Kanojia further discloses comparing the information to a database of driver information and determines if the driver is already installed or not and whether to reinstall it (Column 2, lines 45-55 and Fig. 7, elements 1006-1012).

15. As per claims 14 and 15, Kanojia discloses claim 8, further comprising: receiving an indication of a location of support information appropriate for the computing device (Fig. 7, element 1008); retrieving the support information from the location (Fig. 7, element 1010).

Kanojia further discloses using TCP/IP, an Internet Protocol, for transmission of data (Column 7, lines 30-40).

Allowable Subject Matter

16. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, claim 8 and peripheral device being a printing device where the act of

Art Unit: 2182

retrieving support information comprises downloading the support information via a second computing device using requests in compliance with the Internet Printing Protocol.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to monitoring the end of persistence events of peripheral devices:

U.S. Pat. No. US006697884B1 to Katsch

U.S. Pat. No. US006859924B1 to Kroening

U.S. Pat. No. US 20020083431A1 to Machida

U.S. Pat. No. US US006789111B1 to Brockway et al.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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